United Nations Convention on the Law of the Sea CLCS/66

Commission on the Limits of the Continental Shelf

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Statement by the Chairperson of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission

1. The Commission on the Limits of the Continental Shelf held its twenty-fifth session at United Nations Headquarters from 15 March to 23 April 2010, pursuant to the decision taken at its twenty-third and twenty-fourth sessions[1] and approved by the General Assembly at its sixty-fourth session.[2] The plenary part of the session was held from 5 to 16 April. The periods from 15 March to 1 April and from 19 to 23 April were used for the technical examination of submissions at the Geographic Information System (GIS) laboratories and other technical facilities of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs.

2. The following members of the Commission attended the session: Alexandre Tagore Medeiros de Albuquerque, Osvaldo Pedro Astiz, Lawrence Folajimi Awosika, Harald Brekke, Galo Carrera Hurtado, Francis L. Charles, Peter F. Croker, Induriall Fagoonee, Mihai Silviu German, Abu Bakar Jaafar, Emmanuel Kalngui, Wenzheng Lu, Isaac Owusu Oduro, Yong Ahn Park, Sivaramakrishnan Rajan, Michael Anselme Marc Rosette, Philip Alexander Symonds and Kensaku Tamaki. George Jaoshvili, Yuri Borisovitch Kazmin and Fernando Manuel Maia Pimentel could not attend the session for reasons beyond their control.

3. The Commission had before it the following documents and communications:

(a) Provisional agenda (CLCS/L.28);

(b) Statement by the Chairman of the Commission on the Limits of the Continental Shelf on the progress of work in the Commission at its twenty-fourth session (CLCS/64);

(c) Submissions made pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea, and addressed through the Secretary-General of the United Nations to the Commission by coastal States;[3]

[1] See CLCS/62, para. 89 and CLCS/64, para. 137.
[2] See resolution 64/71, para. 55.
[3] See CLCS/65 and Add.1. For a full list of the submissions made to the Commission see www.un.org/Depts/los/clcs_new/commission_submissions.htm.

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(d) Communications received from Bangladesh (29 October 2009), Germany (8 June 2009), India (two notes verbales dated 31 August 2009), Japan (four notes verbales dated 19 November 2009), Netherlands (two notes verbales dated 30 September 2009) and Somalia (10 October 2009);

(e) Report of the nineteenth Meeting of States Parties to the Convention (SPLOS/203).

Item 1
Opening of the twenty-fifth session by the Chairperson of the Commission

4. The session was opened by the Chairperson of the Commission, Mr. Albuquerque.

5. The Director of the Division also made a brief statement.

Item 2
Adoption of the agenda

6. The Commission considered the provisional agenda (CLCS/L.28) and adopted it, with amendments (CLCS/65).[4] On 15 April 2010, the Commission decided to include an additional item on the agenda (CLCS/65/Add.1).[5]

Item 3
Organization of work

7. The Chairperson outlined the programme of work and the schedule for the deliberations, which the Commission approved with amendments.

Item 4
Submission made by Barbados[6]

Report of the Chairperson of the Subcommission established to examine the submission regarding the progress of work during the resumed twenty-fourth and twenty-fifth sessions

8. The Chairperson of the Subcommission, Mr. Rajan, informed the Commission that, during the resumed twenty-fourth session, the Subcommission met from 2 to

[4] In response to an invitation by the Chairperson of the Commission to present their submissions at the present session, Yemen, Iceland, Pakistan, South Africa (in respect of the mainland of its territory), France and South Africa jointly (in respect of the Crozet Archipelago and the Prince Edward Islands), France (in respect of La Réunion Island and Saint-Paul and Amsterdam Islands), Palau and Sri Lanka had indicated their preference to make such presentation at a later session. The postponement of the presentation of the submissions to a later time was communicated to the Chairperson of the Commission on the understanding that it would not affect the position of the submissions in the queue.

[5] See item 8 bis below.

[6] Submission made on 8 May 2008; see www.un.org/depts/los/clcs_new/submissions_files/submission_brb.htm.

6 November 2009 to continue the examination of the submission, including additional information provided by Barbados during the intersessional period. The Subcommission held three meetings with the delegation, on 3, 4 and 5 November 2009. During the twenty-fifth session, the Subcommission met from 29 March to 1 April 2010 to further consider the submission. During that period, the Subcommission held two meetings with the delegation, on 30 March and 1 April 2010. At the last meeting, the Subcommission conveyed to the delegation its views and general conclusions on the submission. The Subcommission adopted its recommendations by consensus on 6 April 2010.

Consideration of recommendations

9. On 8 April 2010, the Subcommission submitted to the Commission the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Barbados on 8 May 2008" and on the same day the Chairperson of the Subcommission introduced the recommendations by delivering a presentation to the plenary of the Commission, together with Messrs. Croker and Oduro, Vice-Chairpersons, and Mr. Rosette.

10. On 8 April 2010, at the request of Barbados, a meeting was held between its delegation and the Commission, pursuant to paragraph 15 (1 bis) of annex III to the rules of procedure of the Commission (CLCS/40/Rev.1). At that meeting, the presentation of Barbados was made by Leonard Nurse, Special Envoy for the Environment of Barbados and head of the delegation. The delegation also included a number of advisers. In his presentation, Mr. Nurse stated that Barbados agreed with the views and general conclusions of the Subcommission, except with respect to the location of one foot of the slope and one fixed point.

11. The Commission then continued its meeting in private and deliberated on the text submitted by the Subcommission. Following a thorough consideration of the recommendations prepared by the Subcommission and of the presentation made on 8 April 2010 by the delegation, on 15 April 2010, the Commission adopted by consensus the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Barbados on 8 May 2008", with amendments. Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof, were submitted in writing to the coastal State and to the Secretary-General.

Item 5
Submission made by the United Kingdom of Great Britain and Northern Ireland in respect of Ascension Island[7]

Report of the Chairperson of the Subcommission established to examine the submission regarding the progress of work during the resumed twenty-fourth and twenty-fifth sessions

12. The Chairperson of the Subcommission, Mr. Awosika, informed the Commission that the Subcommission continued the examination of the submission

[7] Submission made on 9 May 2008; see www.un.org/depts/los/clcs_new/submissions_files/submission_gbr.htm.

during the resumed twenty-fourth session, from 7 to 11 December 2009, and during the twenty-fifth session, from 15 to 19 March 2010.

13. At the resumed twenty-fourth session, the Subcommission examined additional information provided by the United Kingdom during the intersessional period and held three meetings with the delegation, providing clarifications to the delegation in response to certain questions. It the light of the request by the delegation to have the opportunity to provide further information, the Subcommission agreed that the delegation would submit such information during the intersessional period. It was also agreed that, at the twenty-fifth session, the Subcommission would consider that information and present to the delegation its final views and a summary of recommendations which would take that information into account.

14. Having received the information during the intersessional period, the Subcommission examined it during the twenty-fifth session. During the session, the Subcommission held two meetings with the delegation, during which it presented its final views and a summary of the recommendations. The delegation, in its turn, provided comments for the Subcommission's consideration. Thereafter, the Subcommission adopted its recommendations by consensus on 31 March 2010.

Consideration of recommendations

15. On 1 April 2010, the Subcommission submitted to the Commission the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by the United Kingdom of Great Britain and Northern Ireland in respect of Ascension Island on 9 May 2008". On 8 April 2010, the Chairperson of the Subcommission, together with Mr. Brekke, Vice-Chairperson, and Mr. Tamaki, introduced the recommendations by delivering a presentation to the plenary of the Commission.

16. On 12 April 2010, at the request of the United Kingdom, a meeting was held between its delegation and the Commission, pursuant to paragraph 15 (1 bis) of annex III to the rules of procedure. The United Kingdom made a presentation on matters related to its submission, availing itself of this opportunity to make also a general presentation on "Article 76 — principles of interpretation".

17. The presentations of the United Kingdom were made by Katharine Shepherd, Assistant Legal Adviser, Foreign and Commonwealth Office, head of the delegation, and Lindsay Parson, head of the Law of the Sea Group at the National Oceanography Centre in Southampton. The delegation also included a number of advisers. In her presentation, Ms. Shepherd, inter alia, stated that while the United Kingdom recognized that the Commission needed to be able to apply the provisions of article 76 to fulfil its mandate as set out in article 3 of annex II to the Convention, where there are fundamental questions over the interpretation of the Convention the rights of State Parties have to be borne in mind, to ensure that the role of the Commission in applying its technical expertise is carried out within a proper legal framework. She then elucidated the United Kingdom's interpretation of article 76 in connection with the establishment of extended continental margins on the basis of an association between a landmass and a ridge.

18. The Commission took note of the following notes verbales transmitted in relation to note verbale No. 168/08, dated 9 May 2008, that accompanied the submission: note verbale No. NYV/2009/2184, dated 28 August 2009, from the

Permanent Mission of the Netherlands to the United Nations, and note verbale No. SC/09/391, dated 19 November 2009, from the Permanent Mission of Japan to the United Nations.[8]

19. The Commission then continued its meeting in private. Following a thorough consideration of the recommendations prepared by the Subcommission and of the presentations made on 12 April 2010 by the delegation, on 15 April 2010, the Commission adopted by consensus the "Recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by the United Kingdom of Great Britain and Northern Ireland in respect of Ascension Island on 9 May 2008", with amendments. Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof, were submitted in writing to the coastal State and to the Secretary-General.

Item 6
Submission made by Indonesia in respect of North West of Sumatra Island[9]

Report of the Chairperson of the Subcommission regarding the progress of work during the twenty-fifth session

20. The Chairperson of the Subcommission, Mr. Croker, informed the Commission that the Subcommission had met from 29 March to 1 April 2010 and considered a substantial amount of new material that had been received in early March 2010 from Indonesia, in response to a request for more information by the Subcommission. The Subcommission held two meetings with the delegation of Indonesia, during which the Subcommission had presented its preliminary findings with respect to the new material. The Subcommission decided to continue its work during the final week of the twenty-fifth session, from 19 to 21 April, during which it considered newly submitted material. The Subcommission decided also to meet during the twenty-sixth session from 2 to 13 August 2010. The Chairperson reported that the Commission expected to be in a position to finalize considerations and begin drafting recommendations at that session.

Item 7
Submission made by Japan

Report of the Chairperson of the Subcommission regarding the progress of work during the twenty-fifth session

21. The Chairperson of the Subcommission, Mr. Brekke, informed the Commission that during the intersessional period, the members of the Subcommission conducted an initial examination of the submission individually, concentrating on two specified regions. The GIS officer assigned to assist the Subcommission verified the geodetic calculations contained in the submission and created a GeoCap project to facilitate further examination of the submission. On

[8] The notes verbales are available in the Commission's section of the Division's website at www.un.org/Depts/los/clcs_new/submissions_files/submission_gbr.htm.

[9] Submission made on 16 June 2008; see www.un.org/Depts/los/clcs_new/submissions_files/submission_idn.htm.

19 March 2010, Japan submitted corrections to the main body of the submission, which did not affect the proposed outer limits. The Subcommission met from 22 March to 1 April 2010. During those two weeks, the Subcommission continued its initial examination of the two first regions and addressed two communications to the delegation with a view to seeking comments and clarifications.

22. Following the plenary part of the twenty-fifth session, the Subcommission met from 19 to 23 April 2010 to continue its examination of the submission and held two meetings with the delegation on 20 and 22 April 2010. The delegation of Japan and the Subcommission exchanged clarifications and presentations on the regions under consideration. The members of the Subcommission will continue working intersessionally and the Subcommission will meet during the twenty-sixth session from 2 to 13 August 2010, as well as during a resumed twenty-sixth session, to be held at a time to be confirmed.

Item 8
Joint submission made by Mauritius and Seychelles in respect of the Mascarene Plateau[10]

23. The Commission proceeded with establishing a subcommission to examine this submission[11] in accordance with the established procedure (see CLCS/42, paras. 19 and 20). The Subcommission is composed of Messrs. Albuquerque, Charles, German, Kalngui, Lu, Symonds and Tamaki.

24. The Commission requested the Subcommission to meet with a view to organizing its work and electing its officers. The Subcommission met and elected Mr. Tamaki as its Chairperson and Messrs. Albuquerque and Symonds as Vice-Chairpersons. The Subcommission decided that it would start its consideration of the submission from 21 to 23 April 2010.

Report of the Chairperson of the Subcommission regarding the progress of work during the twenty-fifth session

25. The Chairman of the Subcommission, Mr. Tamaki, informed the Commission that the Subcommission met during the last week of the twenty-fifth session from 21 to 23 April 2010, commencing its consideration of the joint submission made by Mauritius and Seychelles. Pursuant to section III of annex III to the rules of procedure, the Subcommission verified the format and completeness of the joint submission and then proceeded to undertake a preliminary analysis of it. The Subcommission concluded that it did not require the advice of specialists nor the cooperation of relevant international organizations and that further time would be required to examine all the data and prepare its recommendations for transmittal to the Commission, noting that this would also depend on the timing and content of the responses of the delegations of Mauritius and Seychelles to its questions.

[10] Submission made on 1 December 2008; see www.un.org/depts/los/clcs_new/submissions_files/submission_musc.htm.

[11] On the decision to examine this submission by means of a Subcommission, see CLCS/62, para. 66 and CLCS/64, para. 30.

26. Three working groups were established within the Subcommission, on hydrography, geology and geophysics, with a view to proceeding with more detailed consideration of the joint submission.

27. The Subcommission decided that its members would continue to work individually on the joint submission during the intersessional period and that the Subcommission would meet at the twenty-sixth session from 9 to 13 August and from 30 August to 3 September 2010. The Subcommission decided to continue its examination of the joint submission also during a resumed twenty-sixth session, to be held at a time to be confirmed.

28. The Subcommission invited the delegations of Mauritius and Seychelles to meet from 9 to 13 August and transmitted to them a number of questions.

Item 8 bis
Submission made by Suriname[12]

29. The Commission proceeded with establishing a subcommission to examine this submission[13] in accordance with the established procedure (see CLCS/42, paras. 19 and 20). The Subcommission is composed of Messrs. Astiz, Croker, Kazmin, Rajan, Rosette, Park and Pimentel.

30. The Commission requested the Subcommission to meet with a view to organizing its work and electing its officers. The Subcommission met and elected Mr. Rajan as its Chairperson and Messrs. Park and Rosette as Vice-Chairpersons. The Subcommission decided that it would start its consideration of the submission from 30 August to 3 September 2010.

Item 9
Submission made by France in respect of the French Antilles and the Kerguelen Islands[14]

31. The presentation of the submission to the Commission was made on 13 April 2010 by Elie Jarmache, Chargé de mission, Secrétariat général de la mer, France. The delegation of France also included a number of advisers.

32. In addition to elaborating on substantive points of the submission, Mr. Jarmache stated that no member of the Commission had assisted France by providing scientific or technical advice.

33. He noted that the submission of France was a partial submission composed of two sections that contained data and information concerning the outer limits in the areas of the French Antilles and Kerguelen Islands.

34. In respect of disputes related to the submission, Mr. Jarmache stated that for each section of the partial submission that was presented, there was no territorial

[12] Submission made on 5 December 2008; see www.un.org/depts/los/clcs_new/submissions_files/submission_sur.htm.

[13] On the decision to examine this submission by way of a Subcommission, see CLCS/62, para. 66, and CLCS/64.

[14] Submission made on 5 February 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_fra1.htm.

dispute with neighbouring States nor had any objections been expressed against the examination of the submission by the Commission. With regard to the section of the French Antilles and the submission previously made by Barbados, Mr. Jarmache informed the Commission that in an agreement on delimitation of the maritime spaces under their respective national jurisdictions, which had entered into force at the beginning of 2010, the two States had agreed on a method for the future delimitation of their continental shelves in case of overlap beyond 200 nautical miles.

35. In response to a question from a member of the Commission with respect to the note verbale of transmission of the submission, dated 5 February 2009, and the notes verbales from the Netherlands, dated 28 August 2009, and from Japan, dated 19 November 2009, Mr. Jarmache stated that in respect of Antarctica, France reserved its right to make a submission at a later stage.

36. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure, the submission would be addressed by a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure, at a future session. The Commission decided to revert to the consideration of the submission at the plenary level when the submission was next in line for consideration as queued in the order in which it was received.

Item 10
Submission made by Argentina[15]

37. The Commission took note of the notes verbales from India, dated 31 August 2009, Japan, dated 19 November 2009, and the Netherlands, dated 30 September 2009, related to this submission.

Item 11
Submission made by Norway in respect of Bouvetøya and Dronning Maud Land[16]

38. The presentation of the submission to the Commission was made on 9 April 2010 by Olav Myklebust, Acting Director-General of the Legal Affairs Department of the Ministry of Foreign Affairs and head of delegation. The delegation of Norway also included Morten Wetland, Permanent Representative of Norway to the United Nations, and a number of advisers.

39. In addition to elaborating on substantive points of the submission, Mr. Myklebust stated that a member of the Commission, Mr. Brekke, had assisted Norway by providing scientific and technical advice.

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[15] Submission made on 21 April 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_arg_25_2009.htm.

[16] Submission made on 4 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_nor_30_2009.htm.

40. Mr. Myklebust noted that there were no notes verbales by States with respect to the part of the submission relating to Bouvetøya and that there were no neighbouring States near Bouvetøya. He also noted that Norway had requested the Commission, by note verbale dated 4 May 2009, consistent with particular circumstances concerning the area south of 60 degrees south, not to take any action for the time being with regard to information in the submission relating to the continental shelf appurtenant to Dronning Maud Land.

41. The Commission then continued its meeting in private. The Commission took note of the note verbale from Norway dated 4 May 2009 on the issue of Antarctica. The Commission also took note of the communications addressed to the Secretary-General in connection with it, namely the notes verbales from the United States of America, dated 4 June 2009; the Russian Federation, dated 15 June 2009; India, dated 31 August 2009; the Netherlands, dated 30 September 2009; and Japan, dated 19 November 2009. In view of all these communications, the Commission decided not to consider and qualify the part of the submission relating to the continental shelf appurtenant to Dronning Maud Land.

42. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure, the submission would be addressed by way of a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure, at a future session. The Commission decided to revert to the consideration of the submission at the plenary level when the submission was next in line for consideration as queued in the order in which it was received. The Commission decided that it would instruct the Subcommission to be established to examine the information submitted in respect of Bouvetøya not to consider the part of the submission relating to the continental shelf appurtenant to Dronning Maud Land.

Item 12
Joint submission made by the Federated States of Micronesia, Papua New Guinea and Solomon Islands in respect of the Ontong Java Plateau[17]

43. The presentation of the submission to the Commission was made on 12 April 2010 by, in the following order, Robert G. Aisi, Permanent Representative of Papua New Guinea to the United Nations; Steven Woods, Deputy Solicitor-General, Ministry of Justice and Legal Affairs of Solomon Islands; Russell Perembo, Lecturer at the Geology Department, University of Papua New Guinea; Scott Sweet, Technical Adviser, Federated States of Micronesia; and Jeem Lippwe, Deputy Permanent Representative of the Federated States of Micronesia to the United Nations. The delegations of the Federated States of Micronesia, Papua New Guinea and Solomon Islands also included Collin D. Beck, Permanent Representative of Solomon Islands to the United Nations, and a number of advisers.

44. In addition to elaborating on substantive points of the submission, Mr. Woods stated that a member of the Commission, Mr. Symonds, had assisted the Federated

[17] Submission made on 5 May 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_fmpgsb_32_2009.htm.

States of Micronesia, Papua New Guinea and Solomon Islands by providing scientific and technical advice.

45. Mr. Woods stated that no disputes existed in relation to the areas that are the subject of the submission. He indicated that, in accordance with paragraph 4 of annex I to the rules of procedure of the Commission and the memorandum of understanding concluded by the three States on 6 March 2009, the submission constituted a joint submission. The consideration of the submission would not prejudice matters relating to the delimitation of boundaries between the three States and/or any other States.

46. In addition, Mr. Woods indicated that, in accordance with paragraph 3 of annex I to the rules of procedure, the submission was a partial one and the three States might submit other partial submissions in the future. In that connection he recalled that, pursuant to the decision taken by the eighteenth Meeting of States Parties to the Convention contained in document SPLOS/183, the three States had separately submitted preliminary information concerning other areas of the continental shelf.[18]

47. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the joint submission, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure, the submission would be addressed by way of a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure, at a future session. The Commission decided to revert to the consideration of the submission at the plenary level when the submission was next in line for consideration as queued in the order in which it was received.

Item 13
Submission made by Kenya[19]

48. The Commission took note of the letter from the Prime Minister of the Transitional Federal Government of Somalia addressed to the Secretary-General, dated 10 October 2009.

Item 14
Submission made by Portugal[20]

49. The presentation of the submission to the Commission was made on 13 April 2010 by Manuel Pinto de Abreu, head of the Task Group for the Extension of the Continental Shelf, head of delegation. The delegation of Portugal also included a number of advisers.

[18] See www.un.org/Depts/los/clcs_new/commission_preliminary.htm.

[19] Submission made on 6 May 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_ken_35_2009.htm.

[20] Submission made on 11 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_prt_44_2009.htm.

50. In addition to elaborating on substantive points of the submission, Mr. Abreu stated that a member of the Commission, Mr. Pimentel, had assisted Portugal by providing scientific and technical advice.

51. Mr. Abreu stated that the lack of agreed continental shelf boundaries between Portugal and Spain and between Portugal and Morocco was not considered by any of the States concerned as reflecting the existence of a dispute in the sense of rule 46 and annexes I and III to the rules of procedure. In that connection, he pointed out that the absence of delimitation agreements with the two neighbouring States had no effects on the consideration of the submission by the Commission.

52. With respect to the note verbale from Morocco dated 16 May 2009, Mr. Abreu observed that Portugal had indicated in its submission that its consideration on the part of the Commission would be without prejudice to future negotiations concerning areas where other coastal States might be entitled to establish the outer limits of their extended continental shelf in accordance with international law. He added that negotiations would proceed in a manner which was consistent with the relevant provisions of the Convention and that favourable recommendations would represent a fundamental step that should precede any negotiation leading to a delimitation agreement that would contribute to an equitable delimitation solution.

53. Mr. Abreu made identical observations with respect to the notes verbales from Spain dated 28 May and 10 June 2009, and informed the Commission that Portugal and Spain, which had made a submission in respect of Galicia, had agreed to make separate but coordinated submissions in respect of the Galicia Bank Region.

54. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure, the submission would be addressed by way of a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure, at a future session. The Commission decided to revert to the consideration of the submission at the plenary level when the submission was next in line for consideration as queued in the order in which it was received.

Item 15
Submission made by the United Kingdom "in respect of the Falkland Islands and of South Georgia and the South Sandwich Islands"[21, 22, 23]

55. The presentation of the submission to the Commission was made on 7 April 2010 by Christopher Whomersley, Deputy Legal Adviser, Foreign and Commonwealth Office, head of delegation, and Lindsay Parson, head of the Law of the Sea Group at the National Oceanography Centre in Southampton. The delegation of the United Kingdom also included a number of advisers.

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[21] See the title of the executive summary of the present submission.

[22] Note by the Secretariat: a dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas).

[23] Submission made on 11 May 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_gbr_45_2009.htm.

56. In addition to elaborating on substantive points of the submission, Mr. Whomersley stated that no member of the Commission had assisted the United Kingdom by providing scientific or technical advice.

57. In accordance with paragraph 2 (a) of annex I to the rules of procedure of the Commission, Mr. Whomersley informed the Commission that the subject of the partial submission was also the subject of a submission by Argentina.

58. With respect to the note verbale from Argentina dated 20 August 2009, Mr. Whomersley stated that the United Kingdom firmly rejected the claim of Argentina to sovereignty over the Falkland Islands[22] and over South Georgia and the South Sandwich Islands. He emphasized that the United Kingdom had no doubt about its sovereignty over the Falkland Islands[22] and the surrounding maritime areas and firmly rejected any Argentine claim to sovereignty over those areas. He also stated that the United Kingdom had no doubt about its sovereignty over South Georgia and the South Sandwich Islands and the surrounding maritime areas, and firmly rejected any Argentine claim to sovereignty over those areas. That had been made clear in the United Kingdom's note verbale of 6 August 2009 in response to the Argentine submission.

59. Mr. Whomersley stated that in accordance with paragraph 2 (b) of annex I to the rules of procedure of the Commission, the United Kingdom wished to inform the Commission that, in its view, the consideration of the partial submission by the Commission would not prejudice matters relating to the delimitation of boundaries between the United Kingdom and other States.

60. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission took note of the note verbale from Argentina dated 20 August 2009. The Commission also took note of the views expressed in connection with that note verbale in the presentation made by the delegation of the United Kingdom. Taking into consideration that note verbale and the presentation made by the delegation, the Commission decided that, in accordance with its rules of procedure, it was not in a position to consider and qualify the submission.

Item 16
Submission made by Tonga[24]

61. The presentation of the submission to the Commission was made on 6 April 2010 by Siosaia Ma'Ulupekotofa Tuita, Minister for Lands, Survey and National Resources, head of delegation, Kelepi Mafi, Principal Geologist and 'Aminiasi Kefu, Solicitor-General. The delegation of Tonga also included Sonatane T. Taumoepeau-Tupou, Permanent Representative of Tonga to the United Nations, and a number of advisers.

62. In addition to elaborating on substantive points of the submission, Mr. Tuita pointed out that the submission was a partial submission in respect of the eastern part of Kermadec Ridge and that it was without prejudice to a second submission in

[24] Submission made on 11 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_ton_46_2009.htm.

respect of any potential continental shelf spaces extended beyond 200 nautical miles in the western part of the Lau Ridge, which would be made at a later stage.

63. Mr. Tuita also stated that a member of the Commission, Mr. Carrera, had assisted Tonga by providing scientific and technical advice.

64. Mr. Tuita stated that there were no boundary disputes or controversies in any portion of the outer limits of the continental shelf beyond 200 miles. With respect to New Zealand's note verbale No. 06/09/09, dated 29 June 2009, Mr. Tuita noted that it had raised no objection to the Commission considering and making recommendations on the submission on the basis of article 76, paragraph 10, of the Convention. Mr. Tuita also made reference to the current workload of the Commission and the impact that it had on the projected timeline for the examination of submissions in the order in which they were received, including that of Tonga.

65. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure, the submission would be addressed by a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure, at a future session. The Commission decided to revert to the consideration of the submission at the plenary level when the submission was next in line for consideration as queued in the order in which it was received.

Item 17
Submission made by Spain in respect of the area of Galicia[25]

66. The presentation of the submission to the Commission was made on 7 April 2010 by Alvaro Alabart, President, Boundaries Commissions with Portugal and France, and Teresa Medialdea and Luis Somoza, Geologists, Geology and Mines Institute of Spain, Ministry of Science and Innovation. The delegation of Spain also included a number of advisers.

67. In addition to elaborating on substantive points of the submission, Mr. Alabart stated that a member of the Commission, Mr. Pimentel, had assisted Spain by providing scientific and technical advice.

68. Mr. Alabart and Mr. Somoza stated that there were no disputes related to the submission.

69. With respect to the note verbale from Portugal dated 28 May 2009, Mr. Alabart stated that Spain and Portugal had reached an agreement to establish a common interest area in parts of the area of the submission. Mr. Alabart noted that the delimitation of the extended continental shelf in the common interest area was without prejudice to issues related to the establishment of boundaries between the two States.

70. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of

[25] Submission made on 11 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_esp_47_2009.htm.

procedure, the submission would be addressed by a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure, at a future session. The Commission decided to revert to the consideration of the submission at the plenary level when the submission was next in line for consideration as queued in the order in which it was received.

Item 18
Submission made by Trinidad and Tobago[26]

71. The presentation of the submission to the Commission was made on 6 April 2010 by Marina A. Valére, Permanent Representative of Trinidad and Tobago to the United Nations and head of delegation, Gerald Thompson, Ambassador and Director, Treaties, International Agreements and Legal Division, Ministry of Foreign Affairs, and Wanda Delandro Clarke, Geophysicist, Ministry of Energy and Energy Industries. The delegation of Trinidad and Tobago also included a number of advisers.

72. In addition to elaborating on substantive points of the submission, Mr. Thompson recalled the competence of the Commission to determine which coastal States could establish the outer limits of their continental shelf beyond 200 nautical miles and stated that Trinidad and Tobago had played and would continue to play an active role in identifying a solution to the issue of the workload of the Commission.

73. Mr. Thompson stated that a member of the Commission, Mr. Charles, had assisted Trinidad and Tobago by providing scientific and technical advice.

74. Mr. Thompson stated that no dispute existed with Venezuela, Guyana or Suriname but acknowledged that there were overlapping claims on the continental shelf with Venezuela and Guyana to the south of Barbados. With respect to statement included in the executive summary of the submission made by Barbados on 8 May 2008, according to which "[t]he award of an UNCLOS Annex VII Tribunal in April 2006 determined the areas of maritime entitlement as between Barbados and the Republic of Trinidad and Tobago",[27] he informed the Commission that his Government rejected the view that the Arbitral Tribunal had settled the dispute on the outer continental shelf between the two States.

75. Mr. Thompson also pointed out that, with regard to Venezuela, there was an existing boundary which had to be extended to the 350-mile limit and, in regard of Guyana, there was a potential overlap beyond the current terminus of the boundary between Trinidad and Tobago and Venezuela and also beyond a boundary line between Trinidad and Tobago and Venezuela that had been extended to 350 miles.

76. With respect to the note verbale from Suriname dated 9 July 2009, Mr. Thompson recalled that Suriname had acknowledged the existence of an overlap between its submission and the submission made by Trinidad and Tobago.

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[26] Submission made on 12 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_tto_49_2009.htm.

[27] See paragraph 1.4.1 of the executive summary of the submission made by Barbados (www.un.org/depts/los/clcs_new/submissions_files/brb08/brb08_executive_summary.pdf).

77. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure, the submission would be addressed by a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure, at a future session. The Commission decided to revert to the consideration of the submission and the notes verbales at the plenary level when the submission was next in line for consideration as queued in the order in which it was received.

Item 19
Submission made by Namibia[28]

78. The presentation of the submission to the Commission was made on 6 April 2010 by Alpheus !Naruseb, Minister of Land and Resettlement, and Lidwina Shapwa, Permanent Secretary, Ministry of Land and Resettlement. The delegation of Namibia also included Kaire M. Mbuende, Permanent Representative of Namibia to the United Nations, and a number of advisers.

79. In addition to elaborating on substantive points of the submission, Mr. !Naruseb stated that a member of the Commission, Mr. Carrera, had assisted Namibia by providing scientific and technical advice.

80. Mr. !Naruseb informed the Commission that, in the north, the Governments of Namibia and Angola had signed an agreement in Luanda on 8 December 2004 which delimited the northern maritime boundary between the two States from the mouth of the Kunene River.[29] In the case of the southern boundary, there was a dispute between Namibia and South Africa with respect to the boundary constituted by the Orange River. However, in compliance with section 5 (a) of annex I to the rules of procedure, the two Governments had adopted a memorandum of understanding[30] concerning the consideration of their respective submissions by the Commission without prejudice to their rights relating to future delimitation of their maritime boundaries.

81. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure, the submission would be addressed by a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure, at a future session. The Commission decided to revert to the consideration of the submission at the plenary level when the submission was next in line for consideration as queued in the order in which it was received.

[28] Submission made on 12 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_nam_50_2009.htm.

[29] The agreement was submitted as an annex to the submission made by Namibia on 12 May 2009.

[30] The memorandum of understanding was transmitted by Namibia on 2 July 2009 with a request to treat it as an addendum to the submission.

Item 20
Submission made by Cuba[31]

82. The presentation of the submission to the Commission was made on 7 April 2010 by Abelardo Moreno, Ambassador and Deputy Minister, Ministry of Foreign Affairs, and Rafael Tenreyro, Director of Prospecting and Exploitation, Cuba Petróleo. The delegation of Cuba also included Pedro Núñez Mosquera, Permanent Representative of Cuba to the United Nations, and a number of advisers.

83. In addition to elaborating on substantive points of the submission, Mr. Moreno stated that no member of the Commission had assisted Cuba by providing scientific or technical advice.

84. Mr. Moreno stated that no disputes existed in respect of the areas subject to the submission.

85. With respect to the notes verbales from the United States of America, dated 30 June 2009, and from Mexico, dated 21 August 2009, Mr. Moreno stated that they did not object to the submission of information to delimit the Cuban continental shelf in the Gulf of Mexico. Mr. Moreno also stated that the outer limit of the continental shelf of Cuba did not prejudice the final delimitation between coastal States that had access to the eastern sector of the Gulf of Mexico.

86. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of the rules of procedure, the submission would be addressed by a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure, at a future session. The Commission decided to revert to the consideration of the submission at the plenary level when the submission was next in line for consideration as queued in the order in which it was received.

Item 21
Report of the Chairperson of the Commission on the meeting of the informal working group established by the nineteenth Meeting of States Parties

87. The Chairperson informed the Commission that, on 26 January 2010, he had attended the fourth meeting of the informal working group, at the invitation of its Coordinator, to provide clarifications on the current working arrangements of the Commission as well as on its increased workload and on possible ways to address it. He informed the Commission that he had invited the four Vice-Chairpersons and the former Chairperson to join him at the meeting and that Mr. Brekke, Vice-Chairperson, and Mr. Croker, former Chairperson, had been able to accept his invitation. Mr. Brekke and Mr. Croker then provided the Commission with an overview of the meeting, specifying that their participation, as well as that of the Chairperson, had been in their personal capacities.

[31] Submission made on 12 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_cub_51_2009.htm.

88. The Director of the Division briefed the Commission on the preparation of the update to document SPLOS/157[32] which had been requested by the Meeting of States Parties to facilitate a comprehensive review of the matter of the workload of the Commission by States Parties.

89. The Commission decided to accept the invitation by the Coordinator to attend another meeting of the informal working group held on 14 April 2010, during the plenary part of the twenty-fifth session. The Commission decided to prepare a presentation on its workload and established for this purpose a working group composed of Messrs. Astiz, Awosika, Brekke, Carrera (Chair), Jaafar and Symonds. The Commission deliberated at length and explored all ways and means to address its workload.

90. On 14 April 2010, Mr. Carrera, on behalf of the Commission, delivered to the informal working group the presentation approved by the Commission.[33] The Coordinator of the informal working group expressed his appreciation for the presentation and for the opportunity to meet with the Commission.

91. The Chairperson informed the Commission about the matters that he intended to address in his letter to the President of the twentieth Meeting of States Parties. The Commission agreed that, at that Meeting, the Chairperson would also make a presentation based on that made by Mr. Carrera on 14 April 2010, updated as necessary in consultation with the Commission.

Item 22
Report of the Chairperson of the Committee on Confidentiality

92. The Chairperson, Mr. Croker, reported that the Committee had held no meetings during the twenty-fifth session, since no circumstances had arisen requiring such a meeting.

Item 23
Report of the Chairperson of the Editorial Committee

93. The Chairperson, Mr. Jaafar, reported that the Committee had held no meetings during the twenty-fifth session. However, he pointed out that there ought to be an ongoing exercise to standardize the terms used in the documents and work of the Commission.

Item 24
Report of the Chairperson of the Scientific and Technical Advice Committee

94. The Chairperson, Mr. Symonds, reported that the Commission had not received any formal requests for scientific and technical advice and, therefore, the Committee had held no meetings during the twenty-fifth session. He reiterated the

[32] The update to document SPLOS/157 is contained in document SPLOS/208, which can be accessed online at www.un.org/Depts/los/clcs_new/clcs_workload.htm.

[33] The presentation is available online at www.un.org/Depts/los/clcs_new/clcs_workload.htm.

willingness to assist States and encouraged them to make an official request for such assistance, if needed, through the Secretariat.

Item 25
Report of the Chairperson of the Training Committee and other training issues

95. The Chairperson of the Committee, Mr. Carrera, reported that the Committee had not held any meetings during the twenty-fifth session. He suggested holding a meeting at a future time to discuss possible approaches to training as a means of promoting the implementation of the Convention. In that connection, he recalled that a significant number of States parties to the Convention, most of them developing States, had expressed the intention of making a submission in the future, as shown by the large number of deposits of preliminary information made pursuant to the decision of the nineteenth Meeting of States Parties contained in document SPLOS/183.

96. Under this agenda item, the Secretary of the Commission indicated that, at the moment, the Division was not planning any training activities related to the delineation of the outer limits of the extended continental shelf, and had not received any requests from individual States to conduct training courses.

Item 26
Other matters

Future sessions of the Commission

97. Recalling that the plenary part of the twenty-sixth session would be held from 16 to 27 August 2010, the Commission decided that the Subcommission established to examine the submission made by Japan would meet from 2 to 13 August; the Subcommission established to examine the submission made by Indonesia would meet from 2 to 13 August; the Subcommission established to examine the joint submission made by Mauritius and Seychelles would meet from 9 to 13 August and from 30 August to 3 September; and the Subcommission established to examine the submission made by Suriname would meet from 30 August to 3 September.

98. The Secretariat informed the Commission about the tentative dates for the sessions to be held in 2011, on the understanding that those dates and the provision of conference services were subject to approval by the General Assembly. The tentative dates for the plenary parts of the sessions of the Commission in 2011 are now 28 March to 8 April 2011 for the twenty-seventh session and 15 to 26 August for the twenty-eighth session.

Trust funds

99. The Director of the Division briefed the Commission on the status of the trust fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission. He informed the Commission that during the second half of 2009, Ireland had made a contribution to the trust fund. According to the provisional statement of accounts, as at the end of March 2010, the balance of the trust fund was approximately $628,000.

100. The Director provided an overview of the status of the trust fund for the purpose of facilitating the preparation of submissions indicating that, during the second half of 2009, contributions were received from China, Ireland, Mexico, Norway and the Republic of Korea. According to the provisional statement of accounts, as at the end of March 2010, the balance of the trust fund was approximately $792,000.

Response to the note verbale dated 8 June 2009 from Germany

101. On 8 June 2009, Germany addressed note verbale No. 230/2009 to the Commission concerning the publication of the summaries of the recommendations adopted by the Commission. In its note, Germany noted, in particular, that the recommendations adopted by the Commission in respect of the submissions made by the Russian Federation and by Brazil did not have summaries.

102. During the deliberations concerning this issue, the Commission recalled that a short summary of the recommendations in respect of the submission made by the Russian Federation had been included in the report of the Secretary-General to the fifty-seventh session of the General Assembly.[34]

103. After deliberations, the Commission decided to reconsider the decision it had taken at its twenty-second session[35] and to prepare summaries of the recommendations made regarding the submissions of the Russian Federation and Brazil so that all submissions and recommendations were dealt with consistently.

104. The Commission also decided to inform Germany accordingly.

105. The Commission recalled that, in the case of the submission made by Brazil, the coastal State had sent a note verbale requesting certain clarifications on the recommendations. The Commission had provided relevant clarifications in response to a request from the Government of Brazil. The Commission also noted that in light of the partial change in membership of the Commission resulting from the elections held at the seventeenth Meeting of States Parties, a vacancy had occurred in the membership of the Subcommission established to consider the submission of Brazil.[36] After the decision to prepare a summary of its recommendations regarding the submission made by Brazil, following consultations, the Commission had decided to appoint Mr. German to fill the vacancy.

Conferences of interest to the Commission

106. The members of the Commission exchanged information on conferences of interest which would take place in the remainder of 2010.

Statement by the Legal Counsel

107. The Legal Counsel, Patricia O'Brien, addressed the Commission on 14 April 2010. She noted that the Commission was required to perform its functions under

[34] See A/57/57/Add.1, paras. 38-41.

[35] See CLCS/60, para. 59.

[36] At its twentieth session, in the light of the partial change in its membership, which resulted from the elections held at the seventeenth Meeting of States Parties, the Commission decided that it would fill the vacancies of the Subcommissions that had already issued recommendations, if and when the need arose (see CLCS/56, para. 14).

unprecedented challenges and stated that the Secretariat was acutely aware of the need to find a lasting and viable solution to the increased workload of the Commission. Ms. O'Brien observed that the common objective of all stakeholders was to move the process of examination of submissions forward as expeditiously and efficiently as possible. She noted the practice of interaction between the Commission and representatives of submitting States and urged the Commission to continue intensifying this dialogue in accordance with its rules of procedure. She also recalled the importance of maintaining the independence of scientific and technical examination on the part of the Commission.

Acknowledgement

108. The Commission noted with appreciation the high standard of secretariat services rendered to it by the Division. It expressed its appreciation to the staff of the Division and other members of the Secretariat for the assistance provided to the Commission during the twenty-fifth session, and noted the high professional standards of interpretation in the official languages of the United Nations and the assistance provided by the conference-room officers.